MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

UPU3612 PUBLIC & PRIVATE INTERNATIONAL LAW 1

(All Sections/ Groups)

08 OCTOBER 2015

Reading Time: 9.00 am – 9.15am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt question 1 in Part A which is **compulsory** and any **THREE** out of **FOUR** questions in Part B. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

Part A: COMPULSORY

QUESTION 1

a) General Juan Pablo, the former head of state of **CHINO**, had travelled to the United States for treatment of prostate cancer which is at its initial stage. During his rule of the head of state, his government was alleged to have killed and tortured many who opposed him.
An amnesty group representing the victims of his rule wants him arrested and tried for the atrocities committed against them.
Discuss the various implication in arresting a former head of state for alleged crime against humanity and defenses that the General may plead.

(25 marks)

b) Harvey James who was one of the victim of torture during his regime is currently a US citizen. When he heard of General Juan Pablo's presence in the United State, he wants to file a claim in tort, against him seeking compensatory damages.
In advising Harvey James, explain the principle of universal jurisdiction as applicable to a former head of state.

(15 marks)

(Total: 40 Marks)

PART B (Answer any three questions)

QUESTION 2

In 1986, Malaysia and Thailand entered into a treaty to develop a nuclear power plant. When Malaysia started the project in Sungai Petani in the state of Kedah in 1999, the people there, strongly protested against the project due to the environmental impact brought about by environmental consciousness in recent years. On account of this Malaysia decided to abandon the project and informed Thailand of its intention.
With regard to the treaty signed by both the parties and the intended breach by Malaysia what is the legal position of Malaysia and discuss the remedies if any, that Thailand may want to pursue.

(Total: 20 Marks)

QUESTION 3

There are five ways for acquisition of sovereignty over territory. Describe them.

(Total: 20 Marks)

QUESTION 4

A state faces legal consequences arising from the breach of an international obligation towards a foreign national. However a state may justify its breach of an international obligation by citing several possible defences.

Continued...

Briefly explain these defences as subscribed by the International law Commission.

(Total: 20 Marks)

QUESTION 5

Under the English Law the legal capacity to marriage is given an extended meaning. Discuss.

(Total 20 Marks)

End of Page